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AGN. NO. _____

MOTION BY SUPERVISOR YVONNE BRATHWAITE BURKE

MAY 13, 2003

State Senator Gloria Romero has introduced a legislative proposal on behalf of the City of Industry, Senate Bill 537, negatively impacting some solid waste management facilities and affecting local jurisdictions' land use authority.

In its most recent form, as amended May 5, the bill would impose an arbitrary State mandated prohibition on expansion of the Sanitation Districts' Puente Hills Materials Recovery Facility (MRF), thereby usurping any future land use decision of the County of Los Angeles for this project which is located in an unincorporated area of the County. The bill now also limits a privately owned facility in the City of Industry.

The Puente Hills MRF, which was permitted by this Board, is important to the County for two reasons. First, it will provide substantial new recycling capacity to assist local jurisdictions, including the County, with meeting State recycling mandates. Second, the Sanitation Districts' Board of Directors have committed the Puente Hills MRF to be a key component of the local infrastructure for rail haul of the County's waste to remote desert landfills. It will be where the residue from the recycling operation will be placed in sealed rail transport containers.

M-O-R-E

MOTION

MOLINA	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____
BURKE	_____

MOTION BY SUPERVISOR YVONNE BRATHWAITE BURKE
MAY 13, 2003
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Whether this important facility should in the future be expanded is appropriately a matter for the Sanitation Districts' Boards of Directors to propose and for the County to approve or disapprove – and not a decision for the State Legislature.

I, THEREFORE, MOVE that the Board send a five-signature letter to the California Legislature and the Governor expressing the Board's opposition to SB 537.



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

May 12, 2003

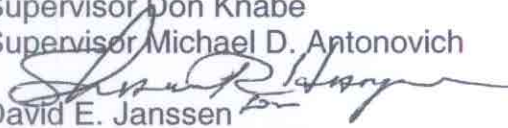
Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

**MOTION TO OPPOSE SB 537 (ROMERO)--ITEM NO. 115-B, AGENDA OF
MAY 13, 2003**

Item No. 115-B on the May 13, 2003 Agenda is a motion by Supervisor Burke that the Board of Supervisors send a five-signature letter to the California Legislature and the Governor expressing the Board's opposition to SB 537.

SB 537, as amended on May 5, 2003, specifically prohibits the County from permitting the Puente Hills Materials Recovery Facility (PHMRF) to exceed the current limit of 4,000 tons per day of waste recycling by more than five percent. (Our analysis is based on amendments obtained from staff to the Senate Committee on Environmental Quality. The printed version of the amended bill will be available later in the week.) According to an analysis prepared for the Senate Environmental Quality Committee's May 5, 2003 hearing, the author indicates that the San Gabriel Valley is willing to accept 4,000 tons per day, but "fears" that the facility could be enlarged to accommodate 8,000 tons per day. The analysis goes on to say that the City of Industry believes that Sanitation Districts may be looking to expand the PHMRF to move 16,000 tons per day, or more.

In April 2003, the Sanitation Districts' Boards of Directors adopted the attached resolution, strongly opposing the May 1, 2003 amended version of SB 537, which would have required an expansion of any Materials Recovery Facility (MRF) in an unincorporated area to be approved by the city councils of all of the cities within one mile of the facility. Rather than allowing a city to veto an expansion project at any MRF, the May 5th version of the bill establishes a State prohibition, specifically on expansion of the PHMRF. The Sanitation Districts believe that SB 537 would have severe impacts

on their ability to provide cost effective and environmentally sound solid waste management. The Department of Public Works believes that SB 537 represents a significant encroachment on the County's right to make local land use decisions within unincorporated territory. **Opposition to SB 537 is consistent with Board policy, as contained in the State Legislative Agenda adopted on February 4, 2003, which opposes legislation that infringes upon the Board's local land use decision-making authority.**

After SB 537 was amended on May 5, 2003, it passed the Senate Committee on Environmental Quality by a vote of 4 to 2. It was read a second time and re-referred to the Committee on Environmental Quality. No further hearings have been set. The Committee's staff analysis, which was completed before the May 5th amendments, reports that the City of Industry was the source of this bill and that the City of Arcadia is in support. Formal opposition to the bill includes the Sanitation Districts of Los Angeles County, the California State Association of Counties, the League of California Cities, the Solid Waste Association of North America, and the cities of Culver City, Downey, Gardena, La Canada Flintridge, La Verne, Paramount, Signal Hill and West Hollywood.

DEJ:GK
MAL:DRS:ib

Attachment

c: Executive Officer, Board of Supervisors
County Counsel
Legislative Strategist

**RESOLUTION IN OPPOSITION
TO SENATE BILL 537 (ROMERO)**

WHEREAS, the County Sanitation Districts of Los Angeles County (Sanitation Districts) were created under the County Sanitation District Act in 1923; and

WHEREAS, the Sanitation Districts jointly provide for the regional management of approximately one-half of the solid waste disposal needs of Los Angeles County and serve the wastewater disposal needs of approximately five million people; and the Sanitation Districts' service area encompasses all or parts of 78 cities and unincorporated areas in the county; and

WHEREAS, in exercise of their authority in the area of solid waste management to provide the essential public service of solid waste management, the Sanitation Districts have developed an integrated system of solid waste facilities, including three active landfills, three closed landfills, two refuse-to-energy facilities, two transfer/materials recovery facilities, two buy-back recycling centers, and three energy recovery facilities; and

WHEREAS, the Sanitation Districts since 1988 have been moving forward on development of a waste-by-rail system to serve Los Angeles County when in-county landfill capacity becomes exhausted, and the development of the critical waste-by-rail infrastructure such as materials recovery facilities and rail loading or intermodal facilities necessary to serve the needs of the public has been and will be conducted in conjunction with local land use authority and in compliance with federal, state, and local regulatory requirements; and

WHEREAS, SB 537 would limit the land use authority of the County of Los Angeles in regard to all Districts' solid waste management projects, in that the bill would allow one or more jurisdictions to veto development or "material" expansions of necessary public service projects, including waste-by-rail facilities, located within unincorporated county area; and

WHEREAS, SB 537 disregards existing law in the California Environmental Quality Act (CEQA) whereby adjacent jurisdictions are afforded specific notification, review, and comment of proposed projects. In addition, all Sanitation Districts' projects are subject to a public process under CEQA to allow consideration and complete responses to all comments received on these projects; and

WHEREAS, SB 537 would specifically jeopardize the implementation of the fully permitted Puente Hills Materials Recovery Facility and waste-by-rail facility development and the future operations of the Puente Hills and Calabasas Landfills; and

NOW, THEREFORE, BE IT RESOLVED, that the Boards of Directors of the County Sanitation Districts of Los Angeles County strongly oppose SB 537 and urge all of the members of the California State Senate and all of the members of the California State Assembly to vote "no" on SB 537.

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